

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JON B. BATENHORST and MINDY  
BATENHORST, Husband and Wife;

Plaintiffs,

vs.

RHETT J. ECKMANN, M.D.;

Defendant.

**8:12CV131**

**ORDER**

This matter is before the court on motion to rule on certain objections to deposition testimony prior to trial regarding the deposition of Dr. Daniel Schaper, Filing No. [51](#). The court has carefully reviewed the matter, and finds as follows:

1. The objection to 37:24 is overruled.
2. Objections, including 38:17, 39:18, 41:4, 42:2,13,20, 44:20, all relate to photographs. The court assumes proper foundation will be laid for these pictures prior to admission of this deposition. Accordingly, the objections are overruled subject to reassertion at trial, if the respective exhibits are not already in evidence.
3. The objection to 47:14 is sustained.
4. The objection to 49:1 is overruled.
5. The objection to 59:17-25 is overruled.
6. The objection to 60:21-62:3 is sustained.

THEREFORE, IT IS ORDERED that the objections to the deposition of Dr. Daniel Schaper, Filing No. [51](#), are granted in part and denied in part as set forth herein.

Dated this 14th day of November, 2013.

BY THE COURT:

s/ Joseph F. Bataillon  
United States District Judge